

<b>Interview Summary</b>	<b>Application No.</b> 09/650,969	<b>Applicant(s)</b> THORNTON ET AL.	
	<b>Examiner</b> Davienne Monbleau	<b>Art Unit</b> 2878	

All participants (applicant, applicant's representative, PTO personnel):

(1) Davienne Monbleau.

(3) Lambertus Hesselink.

(2) Richard Stokey.

(4) \_\_\_\_.

Date of Interview: 02 February 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_.

Claim(s) discussed: 1,9,19,20,30 and 37.

Identification of prior art discussed: US 5,915,165; US 5,753,941; US 6,084,900.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner and Attorney discussed whether the cited prior art of record teach a protrusion and an aperture as defined in the Applicant's claims. Attorney argued that the cited prior art of record did not apply for subwavelength apertures, as in the Applicant's invention. Examiner suggested amending the claims to include the limitation of a subwavelength aperture to distinguish the claims from the prior art. Examiner also suggested amending the claims to further define the "protrusion". Attorney will be sending in a proposed amendment.

14757

## DVA FACSIMILE COMMUNICATIONS

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To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: January 27, 2004

Number of Pages: Cover + 4

ATTN: Examiner Davienne Monbleau

FAX NO. (571) 273-1945

TELEPHONE NO. (571) 272-1945

From: Mr. Richard Stokey, Esq.

PLEASE CONTACT US IF ANY PAGES  
ARE ILLEGIBLE OR ARE NOT RECEIVED

RE: U.S. Application No. 09/650,969  
Our Reference No.: ST 2622.01 US  
Confirmation No.: 8650

Applicant Initiated Interview Request

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ATTN: EXAMINER Davienne Monbleau, ART UNIT 2828

Please call the phone number listed below for the telephone conference on Monday, February 2, 2004 at 2:00 PM.

Phone Number: (888) 566-5784

Password: 12577

Leader: Richard Stokey

Confirmation Number: 4185567

(See 2 Page Confirmation Details E-mail Message)

If you should have any questions or comments, please do not hesitate to contact me. Thank you for your courtesy and cooperation pertaining to this matter.

Richard Stokey  
Reg. No. 40,383

FROM: DISCOVISION ASSOCIATES  
LOCATION: 2355 Main Street Suite 200  
Irvine, CA 92714

DATE/TIME: Jan 27, 2004/2:06PM  
TELECOPIER PHONE: (949) 660-1801  
TELEPHONE: (949) 660-5000



January 27, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VIA FACSIMILE**

CUSTOMER NUMBER

**22887**

PATENT TRADEMARK OFFICE

Re: U.S. Application No.: 09/650,969  
USPTO Confirmation No.: 8650  
Examiner: Davienne Monbleau  
Filed: August 29, 2000  
Entitled: Near Field Optical Apparatus  
Inventor(s): Thornton, et al.  
Our File No.: ST 2622.01 US

Dear Sir:

Enclosed for filing in the above-referenced patent application are the following documents:

1. Applicant Initiated Interview Request Form;
2. Cover Letter, and
3. Certificate of Facsimile dated January 27, 2004.
- 4.

***Please acknowledge receipt of this transmittal.***

Very truly yours,

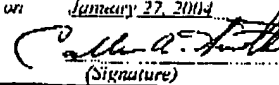
DISCOVISION ASSOCIATES

  
Richard Stokey  
Patent Prosecution Attorney  
INTELLECTUAL PROPERTY DEVELOPMENT

RS:cs

Enclosures

P:\ABG\IPPD\ST\2622\01\proov\tr\_L05.doc

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. _____)	
(371) 373 - 1943	on January 27, 2004
Colleen A. Simothers (Type or print name)	 (Signature)

713.01

## MANUAL OF PATENT EXAMINING PROCEDURE

PTOL-413A (12-02)

Approved for use through XX/XX/XXXX OMB0511-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 09 / 650,969 First Named Applicant: Robert L. ThorntonExaminer: Davienne MonbleauArt Unit: 2828Status of Application: 1st O.A. of RCE

## Tentative Participants:

(1) Richard J. Stokey, Reg. No. 40,383(2) Dr. Lambertus Hesselink(3) Examiner Davienne Monbleau

(4) \_\_\_\_\_

Proposed Date of Interview: Mon., 2/2/04Proposed Time: 2:00(AM/PM) 11:00 A.M.  
(PST)

## Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Video Conference (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES☒ NO

If yes, provide brief description: \_\_\_\_\_

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1-44</u>	<u>Shin, Sun, Claisse</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

## Brief Description of Arguments to be Presented:

Professor Lambertus Hesselink will explain why the invention is non-obvious and patentable over the prior art.

An interview was conducted on the above-identified application on \_\_\_\_\_

## NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Robert L. Thornton

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

confirmations@mymee  
tings.com

01/27/2004 11:42 AM

To: CALLEEN.SMOTHERS@DISCOVISION.COM

CC:

Subject: Conference Details (Feb 02, 2004 -- 11:00 am PT -- Conf#4185567)

PLEASE, DO NOT REPLY TO THIS E-MAIL.

Thank you for choosing MCI conferencing for your upcoming meeting. To reschedule or cancel this reservation, click on the following link: <https://e-meetings.mci.com/mmm/m.php?i=0768537200453247>. On this Web site, you can create reservations, invite participants, start Net conferences, and view participant lists. For additional customer service, call us at 800-475-5000. Calls must be canceled at least 30 minutes prior to the start time to avoid cancellation fees.

For your convenience, we have included PARTICIPANT INFORMATION at the bottom of this e-mail for you to distribute. Meeting leaders are responsible for all charges associated with this conference, so please use discretion when giving out passcodes and other conference-related information.

## MEETING INFORMATION

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CONFIRMATION #: 4185567

COMPANY: PIONEER ELECTRONICS

LEADER: RICHARD STOKEY

PHONE #: 1-949-660-5006

DAY OF CALL PHONE #: 1-949-660-5006

CRC: 605/3893/ST2622.01US

CONTACT: Ms Calleen Smothers

PHONE #: 1-949-660-5078

SERVICE LEVEL: UNATTENDED

CALL ACCESS TYPE: MEET ME

# OF LINES: Total=3 Dialout=0 Meet Me=3 Meet Me Toll=0

DIAL-IN NUMBERS:

USA Toll Free Number: 888-566-5784

PASSCODE: 12577

CALL DATE: FEB-02-2004 (Monday)

CALL TIME: 11:00 AM PACIFIC TIME

DURATION: 2 hr

## AUDIO FEATURES

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Tones

SPECIAL NOTES:

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CALL NOTES: CONFIRMED CALL DETAILS

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The text below is the only information you should forward on to call participants. Please ensure that you provide all necessary information to participants in advance of the call.

PARTICIPANT INFORMATION

\*\*\*\*\*

PARTICIPANT ACCESS INFORMATION

\*\*\*\*\*

Please join me on FEB-02-2004 (Monday) at 11:00 AM PACIFIC TIME.  
Access information is below.

AUDIO PARTICIPANT ACCESS

\*\*\*\*\*

CALL DATE: FEB-02-2004 (Monday)  
CALL TIME: 11:00 AM PACIFIC TIME  
DURATION: 2 hr  
LEADER: RICHARD STOKEY

USA Toll Free Number: 888-566-5784

PASSCODE: 12577

For security reasons, the passcode and the leader's name will be required to join your call.